Supreme Court, U.S.
FILED
MAR 14 1972
MICHAEL RODAK, JR., CLERK

In the Supreme Court of the United States

No. 71-876

JOSEPH A. NEMETZ,

Petitioner

vs.

UNITED STATES OF AMERICA

PETITIONER'S REPLY BRIEF

ALLEN N. BRUNWASSER,
Attorney for Petitioner

903 B Grant Building,
Pittsburgh, Pa. 15219

Murrelle Printing Co., Law Printers, Box 100, Sayre, Pa. 18840

PETITIONER'S REPLY BRIEF

Petitioner, having noted that the Petition for Writ of Certiorari arrived and was filed two days late in this Honorable Court, respectfully advises why this has occurred:

(a) On December 3, 1971, an order was filed in the Third Circuit Court of Appeals denying Petition for Reargument and Reargument Before the Court en Banc.

(b) Notice of this was received by Petitioner on December 6, 1971.

(c) On December 13, 1971, the typed manuscript for the Petition requesting certiorari was mailed to the printer, Murrelle Printing Company in Sayre, Pennsylvania.

(d) The circumstances concerning the preparation of the Petition and the mailing thereof to the Clerk of this Honorable Court are set forth in an affidavit prepared and signed by Allan P. Furman, which affidavit appears on the following page.

(e) The late filing was not the fault of the Petitioner or the printer but because of a breakdown due to some unknown reason in the usual delivery service of the United States Mail.

Wherefore, Petitioner respectfully requests that this Honorable Court waive its rule and allow filing nunc pro tunc.

Respectfully submitted,
ALLEN N. BRUNWASSER,
Attorney for Petitioner.

AFFIDAVIT

Commonwealth of Pennsylvania
County of Bradford, ss:

Allan P. Furman being duly sworn according to law, does depose and say:

That he is Secretary-Treasurer of Murrelle Printing Company, Inc., 201 W. Lockhart Street, Sayre, Pennsylvania 18840;

That said Murrelle Printing Company, Inc., printed a Petition for Writ of Certiorari in re: Joseph A. Nemetz, Petitioner v. United States of America, at the request of Allen N. Brunwasser, Esq., 903 B Grant Building, Pittsburgh, Penna. 15219, and that the records of said Murrelle Printing Company, Inc., indicate that forty (40) copies of said Petition for Writ of Certiorari were mailed by United States mail, postage prepaid, to the Chief Clerk, Supreme Court of the United States, Washington, D. C. 20543, on December 31, 1971; that at the same time and in the same manner two (2) copies of said Petition were mailed, postage prepaid, to Thomas A. Daley, Asst. U. S. Attorney, 633 U. S. Post Office and Courthouse, Pittsburgh, Penna. 15219 and eight (8) copies were mailed to Allen N. Brunwasser, Esq.

(s) Allan P. Furman
Allan P. Furman

Sworn to and subscribed before me this 7th day of March, 1972.

(s) Mary Haluska,
Notary Public.

My Commission expires: July 23, 1973.